

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-33 remain pending.

Applicants note with appreciation the Examiner's indication in paragraph 13 that claims 19 and 23-29 recite allowable subject matter.

The specification is objected to for not including the subject matter recited in claims 2 and 23. This ground of rejection is respectfully traversed.

The Office Action states that the specification does not provide antecedent basis for the recitation of storing incoming data "only in volatile memory". It is noted that this language is recited in the Abstract as filed, and also clearly illustrated in Figure 2. Nevertheless, Applicants have amended the specification to address this objection. Accordingly, withdrawal of this objection is respectfully requested.

Claims 2 and 23 are rejected under 35 U.S.C. § 112, first paragraph for lacking enablement. This ground of rejection is respectfully traversed.

The Office Action states that the application as filed does not enable one skilled in the art to make and use the claim recitation of storing incoming data

only in volatile memory. As discussed above, the Abstract and Figure 2 of the application as filed clearly describe how to store incoming data only in volatile memory as recited in claims 2 and 23. For example, in Figure 2 when incoming data is stored in volatile memory (step 104) and the decision is made to employ stateless routing ("Y" path out of decision step 106) and to maintain the performance of stateless routing ("N" path out of decision step 103), then the incoming data is stored only in volatile memory. It is respectfully submitted that in view of these disclosures, one of ordinary skill in the art would have been able to make and use the invention recited in claims 2 and 23. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claims 1, 7, 11, 20, 21 and 30 are rejected under 35 U.S.C. § 102(a) for anticipation in view of the article "Secure Flow Processing Enhances QoS in Routes" by Robert Friend ("Friend"). This ground of rejection is respectfully traversed.

Friend does not anticipate Applicants' claim 1 because Friend does not expressly or inherently disclose "determining whether to employ stateless routing of the incoming data based on a destination host associated with the incoming data."

Friend is directed to issues related to implementing quality of service (QoS) in routers. Pages 3 and 4 of Friend discuss “a stateless QoS implementation” as well as various deficiencies of this implementation. Friend then proceeds to describe a secure flow processing solution on pages 4-6 that employs a “stateful QoS policy table.” Thus, Friend discloses routers that employ either stateless or stateful QoS. Friend does not disclose a single embodiment in which a determination is made whether to employ stateless or stateful routing. In other words, in the example on pages 3 and 4 of Friend only stateless QoS is employed, and thus in this embodiment there would not be any determination as to whether to employ stateless routing because this is the only routing that is performed. Similarly, in the example on pages 4-6 of Friend only stateful QoS is employed, and thus in this embodiment there would not be any determination as to whether to employ stateless routing because only stateful routing is performed.

Because Friend does not disclose a determination as to whether to employ stateless routing, Friend does not disclose performing such a determination “based on a destination host associated with the incoming data.”

Nevertheless, the Office Action relies upon figure 3 and paragraphs 1 and 2 on page 4 of Friend for the disclosure of a determination as to whether to employ stateless routing. These sections of Friend are part of the stateless QoS

embodiment of Friend, in which only stateless routing is performed. Because only stateless QoS is performed, there is no determination as to “whether to employ stateless routing of the incoming data” as recited in Applicants’ claim 1.

Claims 7, 11, 20 and 21 are not anticipated by Friend at least by virtue of their dependency from independent claim 1.

Claim 30 recites a computer readable medium encoded with computer executable instructions to receive incoming data and determine whether to employ stateless routing of the incoming data based on a destination host associated with the incoming data. Accordingly, claim 30 is not anticipated by Friend for similar reasons to those discussed above with regard to independent claim 1.

For at least those reasons stated above, it is respectfully requested that the anticipation rejection of claims 1, 7, 11, 20, 21 and 30 be withdrawn.

Claims 2, 12, 13, 22 and 31 are rejected under 35 U.S.C. § 103(a) for obviousness in view of the combination of Friend and Patent Application Publication Number 2001/0030961 to Gazsi et al. (“Gazsi”). Claims 3-6, 32 and 33 are rejected under 35 U.S.C. § 103(a) for obviousness in view of the combination of Friend and Gazsi and International Patent Application

Publication No. WO96/38987 ("Sloo"). Claims 8-10 and 18 are rejected under 35 U.S.C. § 103(a) for obviousness in view of the combination of Friend and U.S. Patent No. 7,194,535 to Hannel et al. ("Hannel"). Claims 14 and 15 are rejected under 35 U.S.C. § 103(a) for obviousness in view of the combination of Friend and U.S. Patent Application Publication No. 2003/0074413 to Nielsen et al. ("Nielsen"). Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) for obviousness in view of the combination of Friend and U.S. Patent No. 3,870,828 to Saliga ("Saliga"). These grounds of rejection are respectfully traversed.

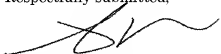
As discussed above, Friend does not disclose all of the elements of Applicants' independent claims 1 and 30. Gazsi, Sloo, Hannel, Nielsen and Saliga are cited for elements recited in various dependent claims. However, it is respectfully submitted that these patent documents do not remedy the above-identified deficiencies of Friend with respect to independent claims 1 and 30. Accordingly, the dependent claims are patentably distinguishable over the current grounds of rejection at least by virtue of their dependency from claims 1 and 30. Therefore, the rejection of dependent claims 2-6, 8-10, 12-18, 22 and 31-33 should be withdrawn.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #101610.55983US).

Respectfully submitted,

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